

SUBSTITUTE FORM PTO-1390

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

# TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER  
07763-042001

U.S. APPLICATION NO. (If Known, see 37 CFR 1.5)

10/009384

INTERNATIONAL APPLICATION NO.  
PCT/US00/12197INTERNATIONAL FILING DATE  
4 May 2000PRIORITY DATE CLAIMED  
4 May 1999

TITLE OF INVENTION

SECRETED PROTEINS OF MYCOBACTERIUM TUBERCULOSIS AND THEIR USE AS VACCINES AND DIAGNOSTIC REAGENTS

APPLICANT(S) FOR DO/EO/US

Maria Laura Gennaro, M.D. and Manuel J. Gomez

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)).
4. ☒ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (Unsigned)
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11 to 16 below concern other documents or information included:

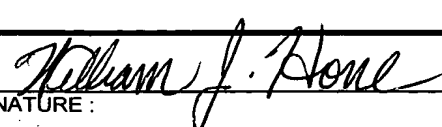
11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:
  - ☒ Form PTO 1449
  - ☒ International Search Report
  - ☒ 10 References
  - ☐
  - ☐

### CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EF 045 320 319 US

I hereby certify under 37 CFR §1.10 that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

November 2, 2001  
Date of DepositValentin Figueroa  
SignatureValentin Figueroa  
Typed Name of  
Person Signing

U.S. APPLICATION NO. (IF KNOWN) <b>10/009384</b>		INTERNATIONAL APPLICATION NO. PCT/US00/12197		ATTORNEY'S DOCKET NUMBER 07763-042001	
17. <input checked="" type="checkbox"/> The following fees are submitted: <b>Basic National Fee ( 37 CFR 1.492(a)(1)-(5) ):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO..... <b>\$1040</b>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$890</b>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$740</b>  International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$710</b>  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$100</b>  <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>CALCULATIONS PTO USE ONLY</b>	
Surcharge of <b>\$130</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$0.00	
Claims	Number Filed	Number Extra	Rate		
Total Claims	36 - 20 =	16	x <b>\$18</b>	\$288.00	
Independent Claims	2 - 3 =	0	x <b>\$84</b>	\$0.00	
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)				+ <b>\$280</b>	\$0.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$388.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$194.00	
<b>SUBTOTAL =</b>				\$194.00	
Processing fee of <b>\$130</b> for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f))				\$0.00	
<b>TOTAL NATIONAL FEE =</b>				\$194.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property +				\$0.00	
<b>TOTAL FEES ENCLOSED =</b>				\$194.00	
				<b>Amount to be refunded:</b>	\$
				<b>Charged:</b>	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$194.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. 06-1050 in the amount of \$0.00 to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1050. A duplicate copy of this sheet is enclosed.					
<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b) must be filed and granted to restore the application to pending status.</b>					
SEND ALL CORRESPONDENCE TO:					
William J. Hone FISH & RICHARDSON P.C. 45 Rockefeller Plaza, Suite 2800 New York, New York 10111 (212) 765-5070 phone (212) 258-2291 facsimile			<div style="text-align: right;">   SIGNATURE: </div> <div style="text-align: right;"> William J. Hone  NAME </div> <div style="text-align: right;"> 26,739  REGISTRATION NUMBER </div>		